

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANNA SUI CORP.,

Plaintiff,

- against -

FOREVER 21, INC., FOREVER 21
RETAIL, INC., FOREVER 21 LOGISTICS,
LLC, DO WON CHANG, JIN SOOK
CHANG, GADZOOKS, INC., GERALD P.
SZCZEPANSKI and JOHN DOES 1 to 20,

Defendants.
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07 Civ. 3235 (TPG)

ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>8/15/08</u>

WHEREAS this Court held a conference with the parties on August 7, 2008 to discuss discovery disputes, it is hereby ORDERED that:

1. Within five (5) business days of this Order, defendants Forever 21, Inc., Forever 21 Retail, Inc., Forever 21 Logistics, LLC, Do Won Chang, and Jin Sook Chang (collectively "defendants") shall produce to counsel for plaintiff Anna Sui Corp. ("plaintiff"), clear unredacted copies of all documents made available to plaintiff's counsel for inspection on June 11 and 12, 2008, and any related documents defendants have acquired since that time, to be viewed under the terms of the Stipulated Protective Order dated November 27, 2007 (the "Stipulated Protective Order");
2. All documents produced by defendants pursuant to Paragraph 1 of this Order will be initially reviewed only by plaintiff's counsel.

When plaintiff's counsel, in good faith, believes that a certain image contained in the documents delivered pursuant to Paragraph 1 displays a potentially infringing garment, plaintiff's counsel may review this image with one representative of Anna Sui Corp. to discuss the potential infringement further. When such a representative is chosen, this representative must provide to defendants' counsel an Undertaking in the form attached to the Stipulated Protective Order;

3. Within ten (10) business days of production of the documents delivered pursuant to Paragraph 1 of this Order, plaintiff's counsel shall identify to defendants' counsel in writing any images of garments that plaintiff alleges may infringe any copyright registrations owned by plaintiff. Plaintiff's counsel shall return to defendants' counsel all other documents produced pursuant to Paragraph 1 that are not identified by plaintiff as potentially infringing garments;
4. Within ten (10) days of the date upon which plaintiff's counsel identifies to defendants' counsel the potentially infringing garments pursuant to Paragraph 3, defendants' counsel shall produce to plaintiff's counsel documents and/or information, to the extent it exists or can be compiled, sufficient to identify the source of each allegedly infringing garment, the quantity of each allegedly infringing garment purchased by the defendants, the quantity of

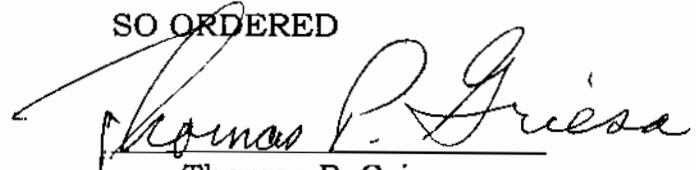
each allegedly infringing garment sold by the defendants, the wholesale price per allegedly infringing garment, and the retail sale price per allegedly infringing garment. When it is possible, this information should be produced in the form of an All Inventory & Sales Distribution Summary and I.B.D. Costs Sheet. Such documents will remain in the possession of plaintiff's counsel under the terms of the Stipulated Protective Order;

5. All documents produced by defendants pursuant to Paragraphs 1 and 4 of this Order will be designated and treated as HIGHLY CONFIDENTIAL pursuant to the Stipulated Protective Order;
6. If disclosure of any documents to any person other than plaintiff's chosen representative identified in Paragraph 2 of this Order occurs, plaintiff's counsel must immediately bring all pertinent facts relating to such disclosure to the attention of defendants' counsel, and must make every effort to prevent further disclosure by plaintiff's counsel or by the person who was the recipient of such information;
7. At the conclusion of this case, all documents produced pursuant to Paragraphs 1 and 4 of this Order, and all copies thereof, shall be returned to defendants' counsel pursuant to the Stipulated Protective Order;

It is hereby further ORDERED that plaintiff shall cause this Order to be served upon defendants within three (3) business days from the date of this order.

Dated: New York, New York
August 15, 2008

SO ORDERED

A handwritten signature in black ink, reading "Thomas P. Griesa". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas P. Griesa
U.S.D.J.